



CENTRAL INTELLIGENCE AGENCY

Office of Legislative Counsel
Washington, D. C. 20505

Telephone: [redacted]

TO: Mr. Everett Bierman, Minority Consultant
House Committee on International Relations
Room 2170 Rayburn House Office Building

1 March 1976

Dear Ev:

[redacted] asked that I leave the
enclosed with you. He is on leave this week.
Please call me if you have any questions.

Sincerely,

SICKED

Associate Legislative Counsel

OLC: 76-0526

FORM 1533 OBSOLETE
6-68 PREVIOUS
EDITIONS

(40)

MEMORANDUM

SUBJECT: Narcotics Provisions of S.02662 as Defined in Report of the Committee on Foreign Relations United States Senate

1. It seems clear that the Senate Foreign Relations Committee did not intend to bar assistance to foreign governments in narcotics matters, so long as it did not involve the participation by U.S. Government officials in actual operations where force or the arrest of foreign nationals was probable. However, the language in the Committee Report could possibly be interpreted in the future to prohibit any kind of aid to a foreign government, if it was likely that a foreign government might use such aid in some way in actions involving force or arrest even though the U.S. narcotics agents would not physically participate in such operations. To motivate foreign governments to cooperate fully to stop drugs from reaching the United States, U.S. Government officials provide assistance to encourage and enable foreign governments to interdict or disrupt the production, storage, financing and transport of illicit drugs. Although U.S. Government officials would not participate in actual arrests or police actions where force is involved, U.S. Government assistance could have lead to such action. For example, the provision of equipment or intelligence to locate poppy fields, caravan routes, conversion labs, concealment or smuggling facilities which result in later arrest or forceful action.

2. Correction of the ambiguous language during conference could solve this possibly major problem through little effort at this time. The ambiguous language mentioned above is found at page 55 of the Committee Report and reads as follows:

"It is the Committee's intent that "police action," as used in this provision, is meant to prohibit U.S. narcotics agents abroad from engaging in actions involving the use of force and actions involving the arrest of foreign nationals - whether unilaterally (acting on their own) or as members of teams involving agents or officials of other foreign governments. And more broadly, it is the Committee's intent that the Drug Enforcement Administration and Chief of U.S. diplomatic missions overseas exercise special care to insure that U.S. narcotics agents overseas not engage in any types of actions in which there is a reasonable risk of embroiling the U.S. in the internal affairs of other countries by tending to lead them into situations involving the use of force or the arrest of foreign nationals."

3. It is suggested that if possible the following be included in the conference report at the end of the above quoted material:

"However, this provision is not intended to prohibit U.S. Government agencies from encouraging foreign governments to enforce their own laws on narcotics trafficking by providing such things as training, technical equipment and intelligence."

Distribution:

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OLC: RC: crh (Typed 1 March 1976) [redacted]

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(RC Hand-Carried this to Bierman this morning)